


## REQUEST FOR ACTION

**To:** Ted Rauh, Deputy Director  
Compliance and Enforcement Division

**From:**   
Lorraine Van Kekerix, Branch Manager  
Waste Evaluation and Enforcement Branch

**Request Date:** May 3, 2011

**Decision Subject:** Consideration of the City of Ridgecrest's Request for an Extension to the Due Dates of Compliance Order IWMA BR 07-07

**Action By:** May 13, 2011

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### **Summary of Request:**

This is a request that the Deputy Director take action on a proposed Time Extension request to Compliance Order IWMA BR 07-07 (Compliance Order) for the City of Ridgecrest (City). Attached is a complete staff report and analysis of the City of Ridgecrest's request for a third Time Extension of the Local Assistance Plan (Attachment 1). The staff report also includes a full analysis and status of all LAP programs. Staff has also prepared a photo report (Attachment 2). The photo report provides a pictorial representation of what staff observed during the two visits conducted on January 18-21 and January 21, 2011.

As background, the following summary timeline of key dates related to the Compliance Order has been developed.

- On September 19, 2007, Compliance Order IWMA BR-07-07 (CO) was issued to the City of Ridgecrest (City).
- On May 19, 2010, the City submitted a Second Time Extension request to extend the deadline from January 4, 2010, to December 31, 2010. This time extension was granted on June 17, 2010.
- On December 6, 2010, via email, the City submitted a 90-day Time Extension request dated November 18, 2010.
- On December 23, 2010, as follow up to a conference call, JPCU staff emailed a letter to the City Manager providing the standard elements required for a proper Time Extension request. Staff specifically asked the City to also evaluate the Mandatory Commercial recycling program (Task #4) as well as the City's Outreach and Education program (Task #2).
- On December 30, 2010, the City informed CalRecycle that the City intended to request a 90-day Time Extension to fully implement the Amended LAP. On this same date, JPCU staff sent an email reiterating the elements required for a proper Time Extension request.
- On January 7, 2011, the City amended the November 18, 2010 Time Extension request by submitting a 120-day Time Extension request to address three (3) specific areas within the City's Amended LAP.
- On April 29, 2011, the City submitted an amendment to the January 7, 2011 Time Extension request with a new timeline to fully implement the Compliance Order requirements.

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(Over)

Paragraph 3.9 of Compliance Order IWMA BR07-07 allows the City to request an extension of time to perform any mandated activity or submit any document, provided that the City submits a written extension request prior to the expiration of the time required by the Compliance Order and that the City provides justification for the delay. Additionally, paragraph 3.10 of the Compliance Order requires a finding of good cause by the Department of Resources Recycling and Recovery before the City's extension request can be granted.

**Recommendation:**

Based on staff's analysis of all the tasks within the LAP, the e-mails received on April 25, 2011 (attachment 3) and April 29, 2011 (attachment 4), JPCU recommends the Deputy Director approve the City's Time Extension request. Approval of the Time Extension will extend the date for full implementation of the LAP from December 31, 2010 to December 31, 2011. The extension through December 31, 2011, provides a full 12 months to fully comply with all of the terms of the Compliance Order. In addition to providing the additional 12 months, the approval will also extend the one-year monitoring period to December 31, 2012.

Staff further recommends that the approval also address the need for increased reporting from the City of Ridgecrest. It is recommended that the City of Ridgecrest be directed to report its progress of implementing all conditions of the Compliance Order on a more frequent cycle. Staff contact with the City has been limited over the past 4 months and it has been difficult for staff to monitor progress made to implement the tasks within the LAP. Increasing the frequency from the current quarterly basis will allow JPCU staff the ability to closely monitor progress made to implement all of the tasks within the LAP and quickly evaluate areas of concern. Rather than the quarterly reporting cycle, the City should be required to report their efforts on a monthly basis. This level of reporting would continue through December 31, 2011 or until full and complete implementation of all LAP programs has been achieved. Upon full implementation of the LAP, the City should be allowed to revert back to quarterly reporting during the one-year monitoring period.

**Deputy Director Action:**

On the basis of the information, analysis and findings in the staff report (attachment 1), the photo log (attachment 2) and the attached e-mails received by staff on April 25, 2011 (attachment 3) and April 29, 2011 (attachment 4), I hereby, approve the City's Time Extension request and extend the deadline for full Local Assistance Plan (LAP) implementation from December 31, 2010 to December 31, 2011. This approval also extends the one-year monitoring period to end on December 31, 2012.

In addition to the approval of the Time Extension, I also approve the staff recommendation that the City of Ridgecrest increase the frequency of their reporting of their efforts from the current quarterly basis to a monthly basis. This level of reporting will continue through December 31, 2011 or until full and complete implementation of all LAP programs has been achieved. Upon full implementation of the LAP, the City will be allowed to revert back to quarterly reporting during the one-year monitoring period.

**Dated:**

  
Ted Rauh, Deputy Director  
Compliance and Enforcement Division  
Department of Resources Recycling and Recovery

Attachments: Attachment 1: Staff Report  
Attachment 2: Photo Report  
Attachment 3: April 25, 2011 email from Kurt Wilson, Ridgecrest City Manager  
Attachment 4: April 29, 2011 email from Kurt Wilson, Ridgecrest City Manager



## **Staff Report and Analysis of the City of Ridgecrest's Request for a Third Time Extension of the Local Assistance Plan**

May 3, 2011

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On September 19, 2007, Compliance Order IWMA BR-07-07 (CO) was issued to the City of Ridgecrest (City). The Compliance Order required the City to fully implement its Local Assistance Plan (LAP) by January 31, 2008. On March 24, 2009 a penalty hearing was held. One of the outcomes of the hearing was a Time Extension provided to the City of Ridgecrest to fully implement its LAP with a new due date of January 4, 2010.

On April 27, 2010, the City submitted a second Time Extension request; however, the request was incomplete. The Jurisdiction Compliance and Audit (JCA) Section, now Jurisdiction and Product Compliance Unit (JPCU), and Local Assistance and Market Development (LAMD) staff worked with the City to ensure that all of the required elements of a Time Extension were submitted. On May 19, 2010, the City submitted a complete request to extend the deadline from January 4, 2010, to December 31, 2010. This time extension was granted on June 17, 2010.

On November 4, 2010, during a telephone conversation, City Manager, Kurt Wilson, indicated that the City will be submitting a Time Extension request in light of the looming LAP deadline of December 31, 2010 and the need to get the landfill self-haul drop-off program up and running (Task #13 in LAP). On December 6, 2010, via email, the City submitted a 90-day Time Extension request dated November 18, 2010.

Following receipt of the above Time Extension request, JPCU staff called the City Manager on December 12, 2010, regarding LAP implementation and the Time Extension request requirements. On December 23, 2010, JPCU staff emailed a letter to the City Manager providing the standard elements required for a proper Time Extension request. Staff specifically asked the City to also evaluate the Mandatory Commercial Recycling program (Task #4) as well as the City's Outreach and Education program (Task #2).

On December 30, 2010, the City informed CalRecycle that the City intended to request a 90-day Time Extension to fully implement the Amended LAP. On this same date, JPCU staff sent an email reiterating the elements required for a proper Time Extension request.

On January 7, 2011, the City amended the November 18, 2010 Time Extension request by submitting a Time Extension request from December 31, 2010 to April 30, 2011 to address three (3) specific areas within the City's Amended LAP. Namely:

- **Task 2: Public Outreach/Education Program**
- **Task 4: Establish Mandatory Commercial On-Site Collection Of Recyclables**
- **Task 13: Develop And Expand Recycling Programs at Ridgecrest/Inyokern Landfill (Landfill Self-Haul Drop-Off program)**

On April 28, 2011, staff met with the City Manager, Kurt Wilson, at CalRecycle headquarters. The City Manager updated staff on the status of the City's litigation with its franchise hauler and the options the City was considering pending the arbitration result.

On April 29, 2011, the City via email, submitted an amendment to the January 7, 2011 Time Extension request. The amendment included a revised timeline to fully implement the Compliance Order requirements.

JPCU has prepared this independent staff report and analysis of the City's request and the City's LAP implementation efforts to date. This report includes reviews of data submitted from the City and field visits on January 18-21, 2011 and January 31, 2011 to the City, the Ridgecrest - Inyokern landfill and the franchise hauler's materials recovery facility.

**The following is a complete summary of the City's LAP implementation efforts to date:**

*Task 1: Conduct New Waste Generation/Characterization Study and Establish New Base Year*

This task was completed in 2009.

During the original Compliance Order, LAMD staff assisted the City with its 2006 New Base Year generation study (NBY). LAMD staff provided the City with the results of its research and had asked the City to complete the remainder of the research by adding specific information. The City did not complete the NBY by September 30, 2008. Following a non-compliance hearing on March 24, 2009, the City revised the LAP and indicated they would hire a consultant to complete the NBY. The City submitted the NBY on July 15, 2009, for LAMD staff review and the California Integrated Waste Management Board's (CIWMB) approval. LAMD staff recommended deduction of tonnages that the City had included as part of the NBY due to the fact that the tonnages included were from years prior to the 2006 NBY. On November 17, 2009, CIWMB approved and adopted the final NBY, resulting in a 35 percent (35%) diversion rate for 2006.

*Task 2: Public Outreach and Educational Program*

The City has developed several types of outreach and educational materials. However, based on diversion numbers for both residential and commercial recycling programs, it does not seem that the outreach materials have been effective. The written outreach work plan outlined in the LAP has not been completed, which is in part due to the departure of the City's Recycling Coordinator; thus, leaving the Recycling Coordinator position void.

The City has worked with LAMD staff to develop additional outreach and educational material to improve both commercial and residential diversion efforts. LAMD staff has also provided several suggestions to the City on how to improve the City's website and written materials. To date, the City has not implemented the suggested improvements.

According to the franchise hauler and verified by the City (Jim McRea, Director of Public Services), the City has not included public outreach material (recycling flyers) within their bills for the past three billing cycles.

The City has reported this task has not been fully implemented. Delays are related to the ongoing litigation between the City and the franchise hauler and the need to full develop all tasks within the LAP.

*Task 3: Maintain Existing Greenwaste Efforts*

The City has been maintaining existing greenwaste efforts. When possible, the City grass-cycles and the County chips and grinds the wood waste at the landfill and uses it on the landfill slope. However, there are no programs at the landfill to manage the greenwaste (grass and leaves) and, consequently, it is disposed as waste.



The City has adopted a Landscape Conservation Ordinance concerning Water Efficient Landscape Requirements to reduce the generation of greenwaste, which would decrease the amount of greenwaste landfilled.

On both the January 18-21, 2011 and January 31, 2011 site visits, staff observed greenwaste (grass, leaves and branches) (Photo Log Section E and F) being disposed at the landfill by the franchise hauler. These loads came directly from the City, as well as from City residents who self-haul to the landfill.

The City continues to implement this task.

*Task 4: Establish Mandatory Commercial On-Site Collection Of Recyclables:*

The City began implementation of its mandatory commercial recycling program on October 1, 2009. Staff estimates there are about 840 businesses within the City based on list of business licenses provided by the City. Some of these businesses are residential and do not have commercial accounts with the hauler and others have not signed up for commercial service. By June 1, 2010, 431 (roughly 50%) of businesses had contracted with the franchise hauler. Of those commercial businesses that signed up:

- 279 of 332 commercial businesses, which had signed up for services with the franchise hauler, had both trash and recycling service.
- 90 of 99 commercial businesses, which had signed up for services with the franchise hauler, had automated cart service. This service included 90-gallon recycling carts.

On February 10, 2011, the City's franchise hauler provided the following updated information in regards to net (those picked up minus those returned) commercial bins and carts being removed due to non-payment for service or business closure:

- 41 trash bins were picked up.
- 18 recycling bins were picked up.
- 10 trash carts were picked up.
- 7 recycling carts were picked up.

It is difficult to determine how many businesses are affected by the removal of the carts and bins. Some businesses share the service, while one business may have had multiple containers.

A majority of the businesses in Ridgecrest generate cardboard, paper products and plastics. In January 2011, staff observed businesses that were overfilling their three-yard recycling bins with recyclables (Photo Log Section A). To resolve this, the City may need to increase the number and/or size of the bins/carts, or the frequency of pick-up service. In many cases, this could be problematic to the businesses which will need to pay more due to the current rate structure in which the franchise hauler charges for any additional services.

Staff observed several of the hauler's trucks unloading commercial sector trash at the landfill during January 18-21, 2011 and January 31, 2011 site visits (Photo Log Section E). There were considerable amounts of clean cardboard and recyclables in each load. A few commercial accounts may self-haul to the landfill under the guise of being residential waste to avoid landfill gate fees. Based on the data provided to staff, from January 2010 through December 2010, over 5300 tons of materials were delivered to the landfill and over 680 tons were delivered to the MRF for processing.

In the 12 month period from January 2010 through December 2010, the franchise hauler reports that 75 percent (75%) of all recyclables collected from commercial recycling bins and processed at the MRF



are diverted (Photo Log Section J). This equates to approximately 8.6 percent (8.6%) diversion rate of total commercial generation for the same time period. Staff has observed a declining trend in commercial diversion during the time period of July 2010 through December 2010. (Please note that this diversion rate does not include any recyclables from "box" stores backhauling their own materials.)

As reported by the City, this task has not been fully implemented due to the ongoing litigation between the City and the franchise hauler.

*Task 5: Establish Mandatory Curbside Residential Recycling Program:*

The City continues to report opposition to mandatory collection and recycling from some members of the community, which continues to have an impact on the curbside program.

The City's mandatory residential recycling program began November 1, 2009. During staff's January 18-21, 2011 site visit, a visual inspection of the days' residential pick up route was conducted. During the inspection, staff observed several instances in which residents had turned their recycling carts upside down in protest (Photo Log Section D). Staff observed a set out rate of approximately 60 percent (60%). Residents participating in the recycling program are putting their recyclables in the recycling carts. JPCU staff did not observe any intentional contamination of the recycling carts.

The franchise hauler has informed JPCU staff that they have picked up 3,500 (out of an estimated 9000 residences) carts from the residents who have opted out as well as those who are delinquent in their payments for services rendered by the franchise hauler.

On February 10, 2011, the City's franchise hauler provided the following information in regards to residential carts being removed from service:

- 1,564 trash carts were picked up
- 1,967 recycling carts were picked up

On February 14, 2011, the City (Doreen Morgan, Community Development Technician) informed CalRecycle that 2,400 out of estimated 9000 residences submitted opt out requests from residential service (trash and/or recycling) and an additional 200-600 opt out requests were submitted online.

In the 9 month period from April 2010 through December 2010, the franchise hauler reports that approximately 57 percent (57%) of recyclables collected from curbside residential recycling carts and processed at the MRF are diverted (Photo Log Section K). This equates to approximately 9.4 percent (9.4%) diversion rate of total residential generation for this time period. This is a 33% decrease in diversion of recyclables collected and processed at the MRF: down from 90% diversion for the period of November 2009 through March 2010. It is also a 5% decrease in total residential diversion, down from 14% diversion for the period of November 2009 through March 2010.

For those residents that currently self-haul, the City's mini-recycling drop-off center, in addition to two private recycling businesses, are available to take a variety of materials. For those that go directly to the landfill, there currently is no recycling available. Staff's own observation at the landfill indicate that the residents opting out of the mandatory curbside recycling and trash program are not fully participating within the City's mini-drop recycling center and other private recycling businesses.

Within the City's LAP, the City is to monitor, evaluate, and report on the effectiveness of the voluntary residential curbside and the landfill drop-off recycling programs. The original timeline required this report to be completed by March 31, 2011. Through this study, if the City deems that the voluntary residential curbside recycling program is not effective in increasing diversion, the City, upon agreement with CalRecycle, will make changes to the program that may include returning to a mandatory



residential recycling program. It should be noted that due to the lack of full LAP implementation identified by both the City, within their Time Extension Request, and within this staff report, any study submitted would most likely be considered incomplete. The City recognizes this and is looking to complete the study 3-6 months after the programs are fully implemented.

Based on JPCU staff's observations at the landfill on both January 2011 site visits (Photo Log Section F and G), as well as checking both trash and recycling carts on residential streets, the residential program is not being overly effective. This was evident by the amount of recyclables being disposed of at the landfill. This observation is supported by the data provided by the City's hauler which presents a declining trend in overall residential participation and overall diversion. However, it needs to be noted that for those residents that were participating in the curbside recycling program, recycling levels were good as indicated in the attached Photo Log Section D.

As reported by the City, this task has not been fully implemented due to the ongoing litigation between the City and the franchise hauler.

#### Task 6: Materials Recovery Facility Feasibility Study

This task was completed in 2009.

The City hired a contractor, Shaw Environmental, Inc., to conduct a Materials Recovery Facility Feasibility Study. The contractor studied the feasibility of building a MRF, or a transfer (trans-load) facility in the City. Meanwhile, diverted materials are hauled to the Tehachapi MRF, which is approximately 70 miles away from Ridgecrest. The study included a cost analysis for each of the options, and concluded that building a MRF within the City was not economically feasible. The study also concluded that hauling the materials to the Tehachapi MRF is the least expensive method at this time.

#### Task 7: Community Clean-Up Events

The City conducted community clean-up events on a quarterly basis at multiple points within the City up to April 2010. Residents were encouraged to bring their materials to these events. The City reports this program is successful due to increasing participation and collection. The July 2009 event focused on diversion of tires, metals and white goods. The hauler placed roll-off bins to collect these items during the clean-up event and transported them to the landfill for diversion. The City reported that the April 2010 clean-up event consisted mostly of trash and did not have any recycling reported.

Upon completion of the events, the hauler provides reports to the City with tons collected and tons diverted. From the June 2009 event, the hauler estimated a diversion of 500 pounds. For April 2010 event, no diversion was achieved. The hauler also reported that between the July 2009 and April 2010 events, an estimated 41,000 pounds (20.5 tons) was disposed.

Through the June 17, 2010, Time Extension, the City agreed to modify this program to include placement of recycling bins at each of the clean-up event locations to collect recyclables. The franchise hauler would provide disposal and diversion tonnage reports to the City for evaluating program effectiveness.

The City reports, no additional clean-up events have occurred since April 2010. The City last reported that a clean-up event was scheduled for April 10, 2011.

#### Task 8: On Campus Recycling At Educational Institutions

The City has a cooperative partnership with the local school district and community college to implement waste diversion programs. The schools have been provided with recycling presentations and educational materials promoting recycling to both staff and students. The City is working with the Sierra Sands Unified School District Administration to develop an ongoing program of awareness and participation.

JPCU staff observed on January 18-21, 2011, site visit, the placement of recycling bins at the high school, as well as the elementary school and middle school. The bins contained recyclables such as: newspaper, paper, plastics and cardboard.

The City has met with the Superintendent of Schools and diversion programs have already been put in place. The only middle school, James Monroe Junior High, has a program in which students collect the CRV-value recyclables and turn them in for cash. The cash is used to buy items for the school, itself.

The City continues to implement this task.

Task 9: City Government Recycling:

The City has placed recycling bins and in-office mini-bins to facilitate collection of recyclables at City Hall, Civic Center, and City off-site facilities. The City has also contracted with a private paper shredding contractor (Shred-It) to facilitate the recycling of more confidential paper and plastics. The City is also reporting usage of its own construction and demolition (C&D) material for road base and other projects, as needed.

The City continues to implement this task.

Task 10: Report Quarterly and Annually:

The City has been submitting all quarterly reports as well as the Annual Reports required under the LAP. When requested by JPCU staff, the City has responded with additional comments to clarify the information in the quarterly reports.

As required by the LAP, the City has maintaining their on-site Compliance Order binders  
The City continues to implement this task.

Task 11: Establishment of a Mini Recycling Center And Drop-Off Facility At The City's Corporate Yard

The City has established a Mini-Recycling Center and Drop-off Facility at the City's Corporate Yard. The facility has a banner and information as to what items can be recycled and in which bins to place the recyclables. The site consists of a drive-through area with two (2) three-yard bins for cardboard and newspaper. Also on site are two (2) trailers for cans, plastics and glass materials. On both site visits in January 2011, staff observed the two cardboard recycling bins overflowing with additional recyclables left on the ground (Photo Log Section H). During the January visits, staff contacted the City and discussed the observations made at the time. The City indicated that they would be requesting the franchise hauler to increase service by providing a third collection bin.

Regarding the two (2) trailers for cans, plastics and glass materials, staff observed them to be up to 60 percent (60%) full. In general the materials were sorted and clean. Staff understands that these materials are processed by Desert Area Resources and Training (DART).

The overflow of recyclables at the City's mini recycling center is an indicator that some residents that have opted out of mandatory curbside recycling are taking their recyclables to the center instead of the



landfill for disposal. However, residents that observe the full or overflowing collection bins may be discouraged from depositing additional materials and instead go directly to the landfill. It would be expected that once the City fully implements the Self-Haul Drop-Off task, the overflow conditions at the mini recycling center should subside. Residents will have the option to take their recyclables to either: the landfill drop-off center, the mini recycling center, or the other recycling businesses within the community.

As reported by the City, this task has not been fully implemented due to the ongoing litigation between the City and the franchise hauler. The City continues to develop and implement this task.

*Task 12: Establish On-Site Newspaper Collection.*

The City first implemented this task in 2009. As part of staff efforts of evaluating the task, staff observed, in January, 2011, a recycling bin at the largest newspaper generator (Ridgecrest Independent). However, staff was not able to evaluate the impacts of this program due to a lack of access. Staff was able to confirm with the franchise hauler that newsprint is being collected from the businesses targeted.

The City continues to implement this task.

*Task 13: Develop and Expand Recycling Programs at Ridgecrest/Inyokern Landfill*

The City's staff has been coordinating with LAMD staff regarding this effort. The City reports continued negotiations with the County to develop and expand the recycling/diversion opportunities at the landfill. However, staff has learned from the County of Kern (County), that the County has not had contact with the City for close to four (4) months regarding the agreement.

The County sent a draft agreement to the City on September 28, 2010, but the City has not reported that any action has taken place. The Time Extension might provide the necessary time to fully develop this program to increase the total diversion of materials not only for the City of Ridgecrest, but from the entire region.

The previous two approved Time Extension Requests were to allow the City additional time to implement this program. Currently, the City has been unable to proceed due in part to litigation with its franchise hauler.

On March 24, 2009, the City, at a public hearing, committed to implement this program. On May 27, 2009 the City submitted a revised LAP that included this program. In the Time Extension request dated November 18, 2010, the City indicated that the opening date of the landfill drop-off program would most likely occur in the first quarter of 2011. At the time this report was prepared, staff has no additional information regarding the efforts being taken to implement this task.

*Task 14: Expand the City's "Green" Procurement Policies*

The City passed Administrative Policy 2010-2 Recycled Products Purchasing and Procurement Policy on January 13, 2010. Staff has obtained a copy of the policy.

The City reports continued implementation of this task.

**Additional Observations**

*China Lake Naval Air Weapons Station (NAWS)*

NAWS is serviced by two haulers. The City's franchise hauler services the residential single family homes while another hauler [J&J Worldwide Services (J&J)] services the multi-family units and other areas of the base. On January 31, 2011, staff observed a single load from the multi-family portion of the base being disposed at the landfill by J&J (Photo Log Section I). This particular load included a significant amount of high-value recyclables such as: paper, books, plastic, metal, and cardboard.

Other non-residential loads from the base disposed by J&J included wood waste (pallets), rocket boxes, cardboard, tree branches and leaves. All the observed material was disposed at the landfill. Staff called the City representative (Jim McRea) and requested that the City representative come to the landfill to observe these loads as well as, other loads from the City. The City representative did come to the landfill and took several photographs. The City representative indicated that he would be calling the NAWS recycling coordinator to discuss the recycling program at NAWS.

#### Multifamily:

The franchise hauler has placed recycling bins at most multi-family complexes throughout the City and staff confirmed through the January, 2011 observations of the program that bins were present at most complexes.

Staff's assessment of the multifamily effort is that it is having a limited impact. Staff observed:

- A trash bin overflowing with trash with the excess left on the ground surrounding the bin.
- Lack of a trash bin at one location where the trash was left on the ground in bags.
- A trash cart that had recyclables while the recycling bin was about 20 feet away.

The multifamily diversion efforts being implemented, at this time, are similar to those found within the surrounding Kern County region. Due to the transient nature of the multifamily sector, it is generally difficult to manage and maintain.

Attached is a photo report from JCA staff's January 18-21, 2011 and January 31, 2011 site visits. This report supports staff's observations as to LAP program implementation that the City committed to as part of its Compliance Order.

#### **Staff Conclusion and Recommendation**

The City has supported its request for an additional Time Extension to maximize overall diversion within the City based primarily on pending litigation as the cause of the delays in full implementation of the LAP.

In summary, staff's observations and analysis found the following LAP tasks are not being fully implemented. The tasks include:

- Task 2: Public Outreach and Education
- Task 4: Establish Mandatory Commercial On-Site Collection Of Recyclables
- Task 5: Establish Mandatory Curbside Residential Recycling
- Task 13: Develop and Expand Recycling Programs At Ridgecrest/Inyokern Landfill

The City has reported that the major barriers that have limited the implementation of the programs have included:

- Task 2, the ongoing litigation between the City and its franchise hauler has caused the interruption of outreach and education via bill inserts. Also, the delay in implementing the self-haul drop off



center at the landfill has caused the City to wait before making changes to its outreach and education.

- Task 4, the ongoing litigation between the City and its franchise hauler has delayed full implementation.
- Task 5, the ongoing litigation between the City and its franchise hauler has delayed full implementation of this task. Additionally, delays in implementing task 13, the self-haul drop off center at the landfill have impacted this task.
- Task 13, the ongoing litigation between the City and its franchise hauler. Additionally, the City is continuing negotiations with the County regarding the development and implementation of the site.

In addition to the specific tasks listed above, staff would like to note concerns regarding the implementation of Task 7: Community Clean-Up Events. This program could prove to be beneficial to the Residential Recycling program by offering additional opportunities for recyclable collection at these events. Staff will continue to monitor this task with regards to its impacts on the City's overall efforts to meet the terms of the Compliance Order.

On April 28, 2011, staff met with the City Manager in Sacramento. The City Manager updated staff that the City anticipates the arbitrator to render a decision in early May 2011 regarding the ongoing litigation between the City and its franchise hauler. The City Manager also discussed the options the City is considering pending the results of the arbitration. Following this meeting, on April 29, 2011, the City requested via an email (attachment 4) an amendment to the January 7, 2011 Time Extension request. The amendment provides a revised timeline that addresses full implement the CO.

Based on staff's analysis of all the tasks within the LAP, the e-mails received on April 25, 2011 (attachment 3) and April 29, 2011 (attachment 4), JPCU recommends the Deputy Director approve the City's Time Extension request. Approval of the Time Extension will extend the date for full implementation of the LAP from December 31, 2010 to December 31, 2011. The extension through December 31, 2011, provides a full 12 months to fully comply with all of the terms of the Compliance Order. In addition to providing the additional 12 months, the approval will also extend the one-year monitoring period to December 31, 2012.

In addition to approving the Time Extension, staff further recommends that the approval also address the need for increased reporting from the City of Ridgecrest. It is recommended that the City of Ridgecrest be directed to report its progress of implementing all condition of the Compliance Order on a more frequent cycle. Staff contact with the City has been limited over the past 4 months and it has been difficult for staff to monitor progress made to implement the tasks within the LAP. Increasing the frequency from the current quarterly basis will allow JPCU staff the ability to closely monitor progress made to implement all of the tasks within the LAP and quickly evaluate areas of concern. Rather than the quarterly reporting cycle, the City should be required to report their efforts on a monthly basis. This level of reporting would continue through December 31, 2011 or until full and complete implementation of all LAP programs has been achieved. Upon full implementation of the LAP, the City should be allowed to revert back to quarterly reporting during the one-year monitoring period

Should a Time Extension be approved and the City continues to make limited progress in fully implementing the terms of the Compliance Order, staff recommends that CalRecycle consider moving forward to a Penalty Hearing. Although a penalty hearing will be very controversial, every opportunity has been provided to the City to fully comply with the terms of the Compliance Order.

This analysis was completed by Raffy Kouyoumdjian. If you have any questions regarding the analysis or staff's recommendations, please contact either Trevor O'Shaughnessy at (916) 341-6203 or Kathleen Marsh at (916) 341-6574.

